

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings of claims in the application:

LISTING OF CLAIMS:

- 1.(Currently Amended) An information recording medium comprising:
  - a data area for recording therein record data;
  - a plurality of temporary defect management areas for temporarily recording therein defect management information ~~which is a basis of defect management for a defect~~ in said data area; and
  - a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of temporary defect management areas,
    - the distinction information being recorded as a type of a combination pattern of an area set to be in a recorded condition and an area left to be in an unrecorded condition according to a predetermined rule, in said flag area.
- 2.(Currently Amended) The information recording medium according to claim 1, wherein ~~if said information recording medium comprises "n" temporary defect management areas (n: integral number,  $n \geq 2$ ),~~ said flag area includes "~~n-1~~" a plurality of flag unit areas.
3. (Currently Amended) The information recording medium according to claim 2, wherein the distinction information is indicated as an entire flag area by that each of the "~~n-1~~" plurality of flag unit areas is in the recorded condition or in the unrecorded condition.

4. (Currently Amended) The information recording medium according to claim 3, wherein backup data corresponding to the record data is recorded into at least one flag unit area in the recorded condition out of the "~~n-1~~" plurality of flag unit areas.

5. (Currently Amended) The information recording medium according to claim 2, wherein each of the "~~n-1~~" plurality of flag unit areas corresponds to the smallest recording area of said information recording medium.

6. (Original) The information recording medium according to claim 1, wherein said flag area is disposed on an inner circumferential side of said information recording medium.

7. (Original) The information recording medium according to claim 1, further comprising a control information recording area for recording therein information for controlling at least one of recording and reading with respect to said data area,

said flag area being disposed in said control information recording area.

8. (Currently Amended) ~~The~~ An information recording medium ~~comprising: according to claim 1, wherein said flag area is disposed in one temporary defect management area out of said plurality of temporary defect management areas~~

a data area for recording therein record data;

a plurality of temporary defect management areas for temporarily recording therein defect management information in said data area; and

a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of

temporary defect management areas,

said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information.

9.(Currently Amended) The information recording medium according to claim 8, wherein the plurality of flag unit areas are all in the unrecorded condition, in an initial state and during first use of one of said temporary defect management areas~~said flag area is disposed at an end portion of the one temporary defect management area.~~

10.(Currently Amended) A recording apparatus for recording record data onto an information recording medium comprising: (i) a data area for recording therein the record data; (ii) a plurality of temporary defect management areas for temporarily recording therein defect management information ~~which is a basis of defect management for a defect in said data area; and (iii) a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of temporary defect management areas,~~ said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information~~the distinction information being recorded as a type of a combination pattern of an area set to be in a recorded condition and an area left to be in an unrecorded condition according to a predetermined rule, in said flag area,~~

said recording apparatus comprising:

a first recording device for recording the record data into said data area;

a second recording device for recording the defect management

information into any one of said plurality of temporary defect management areas;

a distinction information generating device for generating the distinction information on the basis of the recorded condition and the unrecorded condition of said plurality of temporary defect management areas; and

a third recording device for recording the distinction information generated by said distinction information generating device into said flag area

~~—— a first recording device for recording at least one of the record data and the defect management information; and~~

~~—— a second recording device for updating and recording the distinction information, if the temporary defect management area in which the effective defect management information is recorded is changed, by changing the area left to be in the unrecorded condition to the area in the recorded condition according to the changed temporary defect management area and thus by changing the combination pattern.~~

11.(Currently Amended) A recording method of recording record data onto an information recording medium comprising: (i) a data area for recording therein the record data; (ii) a plurality of temporary defect management areas for temporarily recording therein defect management information ~~which is a basis of defect management for a defect in~~ said data area; and (iii) a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of temporary defect management areas, said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information~~the distinction information being recorded as a type of a~~

~~combination pattern of an area set to be in a recorded condition and an area left to be in an unrecorded condition according to a predetermined rule, in said flag area,~~

said recording method comprising:

a first recording process of recording the record data into said data area;

a second recording process of recording the defect management information into any one of said plurality of temporary defect management areas;

a distinction information generating process of generating the distinction information on the basis of the recorded condition and the unrecorded condition of said plurality of temporary defect management areas; and

a third recording process of recording the distinction information generated by said distinction information generating process into said flag area

~~—— a first recording process of recording at least one of the record data and the defect management information; and~~

~~—— a second recording process of updating and recording the distinction information, if the temporary defect management area in which the effective defect management information is recorded is changed, by changing the area left to be in the unrecorded condition to the area in the recorded condition according to the changed temporary defect management area and thus by changing the combination pattern.~~

12.(Currently Amended) A reproducing apparatus for reproducing record data recorded on an information recording medium comprising: (i) a data area for recording therein the record data; (ii) a plurality of temporary defect management areas for temporarily recording therein defect management information ~~which is a basis of defect management for a defect in said data~~

area; and (iii) a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of temporary defect management areas, said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information~~the distinction information being recorded as a type of a combination pattern of an area set to be in a recorded condition and an area left to be in an unrecorded condition according to a predetermined rule, in said flag area,~~

said reproducing apparatus comprising:

a first reading device for reading the distinction information recorded in said flag area;

a selecting device for selecting effective one of said plurality of temporary defect management areas, on the basis of the distinction information read by said first reading device;

a second reading device for reading the defect management information recorded in the effective temporary defect management area selected by said selecting device; and

a reproducing device for reproducing the record data recorded in said data area, on the basis of the defect management information read by said second reading device

~~—— a selecting device for reading the distinction information and selecting the temporary defect management area in which the effective defect management information is recorded from said plurality of temporary defect management areas;~~

~~—— a reading device for reading the effective defect management information from the selected temporary defect management area; and~~

~~—— a reproducing device for reproducing the record data recorded in said data area on the basis of the read defect management information.~~

13.(Currently Amended) The reproducing apparatus according to claim 12, wherein

~~—— said flag area has a plurality of flag unit areas and each of the plurality of flag unit areas is in the recorded condition or in the unrecorded condition, and~~

said selecting device selects the temporary defect management area in which the effective defect management information is recorded by judging in which condition of the recorded condition and the unrecorded condition at least one of said plurality of flag unit areas is.

14.(Currently Amended) A reproducing method of reproducing record data recorded on an information recording medium comprising: (i) a data area for recording therein the record data; (ii) a plurality of temporary defect management areas for temporarily recording therein defect management information ~~which is a basis of defect management for a defect in said data area; and (iii) a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of temporary defect management areas, said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information~~~~the distinction information being recorded as a type of a combination pattern of an area set to be in a recorded condition and an area left to be in an unrecorded condition according to a predetermined rule, in said flag area,~~

said reproducing method comprising:

a first reading process of reading the distinction information recorded in said flag area;

a selecting process of selecting effective one of said plurality of

temporary defect management areas, on the basis of the distinction information read by said first reading process;

\_\_\_\_\_ a second reading process of reading the defect management information recorded in the effective temporary defect management area selected by said selecting process; and

\_\_\_\_\_ a reproducing process of reproducing the record data recorded in said data area, on the basis of the defect management information read by said second reading process

~~\_\_\_\_\_ a selecting process of reading the distinction information and selecting the temporary defect management area in which the effective defect management information is recorded from said plurality of temporary defect management areas;~~

~~\_\_\_\_\_ a reading process of reading the effective defect management information from the selected temporary defect management area; and~~

~~\_\_\_\_\_ a reproducing process of reproducing the record data recorded in said data area on the basis of the read defect management information.~~

15.(Currently Amended) A computer program product for record control to control a computer provided for anthe information recording apparatus aeccording to claim 10, said computer program making the computer function as at least one of athe first recording device, and athe second recording device, athe distinction information generating device and athe third recording device.

\_\_\_\_\_ said recording apparatus for recording record data onto an information recording medium comprising: (i) a data area for recording therein the record data; (ii) a plurality of temporary defect management areas for temporarily recording therein defect management information in said data area; and (iii) a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of temporary



defect management areas, said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information,

said recording apparatus comprising:

said first recording device for recording the record data into said data area;

said second recording device for recording the defect management information into any one of said plurality of temporary defect management areas;

said distinction information generating device for generating the distinction information on the basis of the recorded condition and the unrecorded condition of said plurality of temporary defect management areas; and

said third recording device for recording the distinction information generated by said distinction information generating device into said flag area.

16.(Currently Amended) A computer program product for reproduction control to control a computer provided for anthe information reproducing apparatus ~~according to claim 12~~, said computer program making the computer function as at least one of atthe first reading device, atthe selecting device, atthe second reading device, and atthe reproducing device,

said reproducing apparatus for reproducing record data recorded on an information recording medium comprising: (i) a data area for recording therein the record data; (ii) a plurality of temporary defect management areas for temporarily recording therein defect management information in said data area; and (iii) a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said

plurality of temporary defect management areas, said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information,

said reproducing apparatus comprising:

said first reading device for reading the distinction information recorded in said flag area;

said selecting device for selecting effective one of said plurality of temporary defect management areas, on the basis of the distinction information read by said first reading device;

said second reading device for reading the defect management information recorded in the effective temporary defect management area selected by said selecting device; and

said reproducing device for reproducing the record data recorded in said data area, on the basis of the defect management information read by said second reading device.

17.(Currently Amended) A data structure comprising:

a data area for recording therein record data;

a plurality of temporary defect management areas for temporarily recording therein defect management information ~~which is a basis of defect management for a defect in~~ said data area; and

a flag area for recording therein distinction information for distinguishing a temporary defect management area in which the defect management information that is effective is recorded, from said plurality of temporary defect management areas,

said flag area being divided into a plurality of flag unit areas, a combination of a recorded condition and an unrecorded condition of the plurality of flag unit areas indicating the distinction information~~the distinction information being recorded as a type of a combination pattern of~~

~~an area set to be in a recorded condition and an area left to be in an unrecorded condition, in said flag area according to a predetermined rule.~~